

REMARKS

STATUS OF CLAIMS:

Claims 1-5 were pending.

In accordance with the foregoing, claims 1, 2, 4 and 5 have been amended and claims 6-9 have been added.

Thus claims 1-9 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed.

REJECTIONS:

35 U.S.C. §101 REJECTION:

Claim 4 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter as indicated.

It is submitted that claim 4, as amended, meets the requirements of 35 U.S.C. § 101 and withdrawal of the rejection is respectfully requested, because claim 4 clearly recites "An apparatus..." which clearly falls under the 35 U.S.C. § 101 statutory subject matter of "a machine." Furthermore, the mental step test or human step test is an improper test for subject matter eligibility under 35 U.S.C. § 101 (see Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, page 42, lines 1-12). Nevertheless, claim 4 is amended for clarity. Therefore applicants respectfully submit claim 4 meets the requirements of 35 U.S.C. § 101, because claim 4 recites "An apparatus . . . comprising: a computer comprising . . ."

35 U.S.C. §112, SECOND PARAGRAPH, REJECTION:

Claims 1-5 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. It is submitted that claims 1-5, as amended, meet the requirements of 35 U.S.C. § 112, second paragraph.

Support for the amended claims may be found in the application specification, page 7, lines 7-12, which states in part "order information for an order of the building materials to the building materials manufacturer terminal 116 and also sends order information for the order of the fabrication of the building materials to the fabrication factory terminal".

35 U.S.C. §102 REJECTION:

Claims 1-5 were rejected under 35 U.S.C. § 102(e) as being anticipated by Reinsma, U.S. Patent Publication Number 2002/0116239, hereafter referred to as "Reinsma".

The applicants respectfully traverse these rejections, because Reinsma cannot anticipate the claimed present invention, since Reinsma fails to disclose, either expressly or inherently, the claimed method comprising "sending fabrication order information to said fabrication factory and sending building materials order information, including information of said fabrication factory that is a destination to ship building materials, to said building materials manufacturer, based on said order received information" as recited, for example, in amended claims 1, 4 and 5.

The Office Action relied on Reinsma, which discusses a "system for optimization, where a lowest cost set of building materials or systems that may be used in constructing a structure within given criteria is determined" (Reinsma, abstract, lines 1-3). Reinsma further discusses "[a] contractor module 50 is employed to organize contractor schedules and to provide a list of available contractors and their installation costs for the items selected in the package. An alliance supplier module 52 is employed to organize available suppliers and the cost of each product carried by the supplier." In other words, Reinsma discusses a system that organizes the cost set of construction items needed for a construction project, which are available from a supplier, and lists which contractors would be available to perform the construction and their installation costs.

Reinsma further discusses, "the system may be used to permit manufacturers, builders, consumers, contractors, and suppliers to work together, which allows references to flow back and forth along the supply chain" (Reinsma, Page 9, first column, lines 52-55). In other words, Reinsma discusses that a builder may use the system to locate the identity of a supplier for a particular job based on cost. While Reinsma discusses a system which "permit[s] manufacturers, builders, consumers, contractors, and suppliers to work together," the only method suggested by Reinsma to "work together" is through a reference system. Therefore, Reinsma only discusses a "reference" system, which allows different construction related providers, i.e. suppliers and builders, to find each other.

In contrast to Reinsma, the claimed present invention provides "sending fabrication order information to said fabrication factory and sending building materials order information, including information of said fabrication factory that is a destination to ship building materials, to said building materials manufacturer, based on said order received information" as recited in claims 1, 4 and 5. In other words, the order information is sent to both the building materials manufacturer and the fabrication factory, providing the benefit of eliminating the extraneous steps of having to find and coordinate multiple suppliers and fabricators.

DEPENDENT CLAIM 2:

Furthermore, Reinsma fails to disclose, either expressly or inherently, the feature where "order received information includes customized fabrication indication information in which an indication of the customized fabrication information is shown by an image" as recited, for example, in claim 2. Reinsma discloses a system which inputs "information on various structural elements that are used to construct a structure, as well as the configuration of the structure itself. For example, the structure information may comprise information on the main walls, ceilings, floors, basement walls, slab perimeter, crawl space, and the like" (Reinsma, page 2, column 2, lines 21-28). In other words, Reinsma discloses inputting information required to determine what building materials are needed for the project. However, Reinsma fails disclose, either expressly or inherently, "customized fabrication indication information in which an indication of the customized fabrication information is shown by an image" as recited, for example, in claim 2.

NEW CLAIMS:

New claims 6, 7 and 9 require the limitation of dependent claim 2 and are patentable for the same reasons.

New claim 8 recites:

An apparatus comprising:

a graphical user interface providing an order information selection window comprising:

- a selector to select each item of a fabricated raw material;
- a selector to select a building material name;
- a selector to select a building material manufacturer;
- a selector to select an amount of the building material;

- a selector to select a fabrication type;
- a selector to select a desired delivery date;
- a selector to select fabrication detail information; and
- an input interface to send the fabrication detail information to a fabrication factory and to send the building materials order information, including information of said fabrication factory that is a destination to ship building materials, to the building materials manufacturer.

As discussed above, Reinsma only discusses a "reference" system. Therefore, Reinsma fails to disclose, either expressly or inherently the claimed features of a "a graphical user interface" which provides "an input interface to send the fabrication detail information to a fabrication factory and to send the building materials order information, including information of said fabrication factory that is a destination to ship building materials, to the building materials manufacturer." as recited in claim 8.


In view of the amendments and remarks, withdrawal of the rejection of pending claims and allowance of pending claims is respectfully requested. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,
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